Michael J. Bonella (#79175) mbonella@condoroccia.com
Michael T. Ghobrial (#208742) mghobrial@condoroccia.com
CONDO ROCCIA KOPTIW LLP
1800 J.F.K. Boulevard, Suite 1700
Philadelphia, PA. 19103
Office: (215) 599-2794
Facsimile: (215) 558-5676

Kenneth E. Keller [Pro Hac Vice To Be Filed] kkeller@ksrh.com
Christopher Stretch [Pro Hac Vice To Be Filed] cstretch@ksrh.com
KELLER, SLOAN & ROMAN LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
Telephone: (415) 249-8330
Facsimile: (415) 249-8333

Attorneys for Plaintiffs
MOBILITY HOLDINGS, LIMITED
& STILE PRODUCTS, INC.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MOBILITY HOLDINGS, LIMITED, a Hong Kong company, and STILE PRODUCTS, INC., a California corporation, Plaintiffs. vs. YAN LYANSKY, an individual, DBA DOWNTUBE, DBA DOWNTUBE.COM, DBA BIKEL.COM/DOWNTUBE, DBA BIKE1, DBA PROSOLVERS, DBA PROSOLVERS.COM, and DOES 1-10, inclusive, Defendants.	Case No.: **COMPLAINT FOR PATENT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

JURISDICTION & VENUE

1. This is a civil action seeking declaratory relief, damages, and injunctive relief that arises under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq*.

2. This Court has personal jurisdiction over Defendants Yan Lyansky, PhD ("Dr. Lyansky"), dba Downtube, dba Downtube.com, dba BikeL.com/Downtube, dba Bike1, dba Prosolvers, dba Prosolvers.com (the "Lyansky Entities") and DOES 1-10 (Dr. Lyansky, the Lyansky Entities and Does 1-10 are collectively "Defendants") because Defendants have committed acts of infringement in violation of 35 U.S.C. § 271, and made, used, offered for sale and/or sold infringing products, through established distribution channels, with the knowledge and/or understanding that such products are being sold and/or offered for sale in this District, they continuously and systematically conduct, transact, and solicit business in this State and within this District, reside in this state and this District, and/or are subject to jurisdiction in this Court under the Pennsylvania Long-Arm statute, 42 Pa.C.S.A. § 5301, 5322.

3. Plaintiffs are informed and believe and thereon allege that Defendants have purposely manufactured, had manufactured, imported, shipped, distributed, offered for sale, promoted for sale, and/or sold, various products, including but not limited to those products identified below, throughout the United States, and including within this judicial district, which infringe the designs of Plaintiffs' intellectual property rights in the U.S. design patents described herein, and that these activities are continuous and ongoing and unless enjoined will cause irreparable harm to Plaintiffs.

4. On information and belief, Defendants derive substantial revenue from the sale of infringing products distributed within the District, and/or expect or should reasonably expect their actions to have consequences within the District, and derive substantial revenue from interstate and international commerce.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(a)-(b) because Defendants do substantial business in this District, have

committed acts of patent infringement in this District, reside in this District, and/or are subject to personal jurisdiction in this District.

THE PARTIES

6. Plaintiff Mobility Holdings, Limited ("Mobility") is a Hong Kong Company, with its principle place of business located in Hong Kong. Mobility is the owner of Tern, an internationally renowned folding bicycle brand that invents, designs, manufactures and sells their branded folding bicycles and accessories throughout the United States and around the World.

7. Plaintiff Stile Products, Inc. ("Stile") is a California corporation with its principle place of business located at 4067 Hardwick Street, Suite 288, Lakewood, California 90712, and is the exclusive licensee of the patents-in-suit. Pursuant to that exclusive license, Stile has been granted all substantial rights under and to the patents in suit, including the unconditional exclusive right to bring and maintain this action for patent infringement with respect to all the patents in suit and to recover damages suffered as a result of Defendants' infringing conduct, as more fully described herein.

8. Plaintiffs are informed and believe and thereon allege that Defendant Yan Lyansky, PhD. is an individual residing at 1443 Tasker Street, Philadelphia, PA 19145 and is the founder and sole or primary shareholder of the Lyansky Entities.

9. Plaintiffs are informed and believe and thereon allege that Defendant Downtube is a Pennsylvania Doing-Business-As ("DBA") entity formed by Dr. Lyansky with its principle place of business located at 424 W. Mt. Pleasant Avenue, Philadelphia, PA 19119 and Dr. Lyansky has registered Downtube as a fictitious name for doing business in Pennsylvania.

10. Plaintiffs are informed and believe and thereon allege that Defendant Downtube.com is a DBA entity formed by Dr. Lyansky with its principle place of business located at 1509 Barnswallow Drive, Bensalem, PA 19020 and Dr. Lyansky has registered Downtube.com as a fictitious name for doing business in Pennsylvania.

11. Plaintiffs are informed and believe and thereon allege that Defendant BikeL.com/Downtube is a DBA entity formed by Dr. Lyansky with its principle place of business located at 1509 Barnswallow Drive, Bensalem, PA 19020 and Dr. Lyansky has registered BikeL.com/Downtube as a fictitious name for doing business in Pennsylvania.

12. Plaintiffs are informed and believe and thereon allege that Defendant Bike1 is a DBA entity formed by Dr. Lyansky with its principle place of business located at 1509 Barnswallow Drive, Bensalem, PA 19020.

13. Plaintiffs are informed and believe and thereon allege that Defendant Prosolvers is a DBA entity formed by Dr. Lyansky with its principle place of business located at 1509 Barnswallow Drive, Bensalem, PA 19020 and Dr. Lyansky has registered Prosolvers as a fictitious name for doing business in Pennsylvania.

14. Plaintiffs are informed and believe and thereon allege that Defendant Prosolvers.com is a DBA entity formed by Dr. Lyansky with its principle place of business located at 1509 Barnswallow Drive, Bensalem, PA 19020 and Dr. Lyansky has registered Prosolvers.com as a fictitious name for doing business in Pennsylvania.

15. Plaintiffs are presently unaware of the true names and identities of defendants "DOES 1-10" herein, but are informed and believe that persons and entities in addition to the specifically-named Defendants herein are directly and personally contributing, inducing, and/or engaging in the sale, importation, selling, making, and offering for sale of infringing goods as alleged herein, and are legally liable for matters alleged in this Complaint. Plaintiffs will amend or seek leave to amend this Complaint as appropriate to add additional specific defendants upon determining the true names and identities of the "DOES 1-10" Defendants.

ALTER EGO ALLEGATIONS

16. Plaintiffs are informed and believe and thereon allege that the Lyansky Entities and DOES 1-10 were at all times relevant alter ego corporations of Dr. Lyansky by reason of the following:

(a) Plaintiffs are informed and believe and thereon allege that Dr. Lyansky, at all times herein mentioned, dominated, influenced and controlled the Lyansky Entities and DOES 1-10 and the officers thereof as well as the business and property of said entities.

(b) Plaintiffs are informed and believe and thereon allege that, at all times herein mentioned, there existed and now exists a unity of interest and ownership between Dr. Lyansky and the Lyansky Entities and DOES 1-10; the individuality and separateness of Dr. Lyansky and the Lyansky Entities and DOES 1-10 either did not exist or has ceased.

(c) Plaintiffs are informed and believe and thereon allege that, at all times since being formed, the Lyansky Entities and DOES 1-10 have been and now are a mere shell and naked framework which Dr. Lyansky uses as a conduit for the conduct of his personal business, property and affairs.

(d) Plaintiffs are informed and believe and thereon allege that, at all times herein mentioned, the Lyansky Entities and DOES 1-10 were created and continued pursuant to a fraudulent plan, scheme and device conceived and operated by Dr. Lyansky, whereby the income, revenue and profits of the Defendants are diverted by Dr. Lyansky to himself.

(e) Plaintiffs are informed and believe and thereon allege that, at all times herein mentioned, the Lyansky Entities and DOES 1-10 were organized by Dr. Lyansky as devices to avoid individual liability, and accordingly, the Lyansky Entities and DOES 1-10 were formed with capitalization totally inadequate for the business in which said entities are engaged.

(f) By virtue of the foregoing, adherence to the fiction of the separate existence of the Lyansky Entities and DOES 1-10 would, under the circumstances, sanction a fraud and promote injustice in that Plaintiffs would be unable to realize upon any judgment in their favor.

17. Plaintiffs are informed and believe and thereon allege that at all times relevant hereto, Dr. Lyansky and the Lyansky Entities and DOES 1-10 acted for each other in connection with the conduct alleged and that each of them performed the acts complained of herein or breached the duties herein complained of as agents of each other and each is therefore fully liable for the acts of the other.

FACTUAL BACKGROUND

18. Mobility is a Hong Kong holding company. Mobility owns certain intellectual property rights relating to the folding bicycles that are sold under the Tern brand, and also owns stock in Stile, an American company that has been organized as an exclusive distributor of Tern bicycles in the United States. As a holding company, Mobility does not have the capacity to make, use or sell any products to which it holds the intellectual property rights. Therefore, Mobility exclusively licensed rights to Stile, to make, use and sell products that incorporate the designs as embodied in the intellectual property rights which have been assigned to Mobility.

19. Stile is a California corporation with its principle place of business in

Lakewood, California. Among other things, Stile is Mobility's exclusive licensee of certain patents and other intellectual property rights relating to innovative folding bicycle designs and/or technology and Stile is the exclusive distributor in the United States of Tern Bicycles, which incorporate these innovative designs.

20. On August 31, 2010, the United States Patent and Trademark Office issued United States Design Patent, D622,638 S (the "D'638 Patent") for a unique folding bicycle design frame to Joaquim Uimonen. A true and correct copy of the D'638 Patent is attached to this Complaint as **Exhibit A**. The D'638 Patent is valid and enforceable. The D'638 Patent was subsequently assigned to Mobility, which exclusively licensed the rights under the D'638 Patent to Stile. The innovative designs of the D'638 Patent are incorporated into various models of folding bicycles designed by Tern and sold by Stile in the United States.

21. On February 5, 2011, the United States Patent and Trademark Office issued United States Design Patent No. 632,615 S (the "D'615 Patent") to Joakim Uimonen, which like the D'638 Patent is also directed to a unique folding bicycle frame design. A true and correct copy of the D'615 Patent is attached to this Complaint as **Exhibit B**. The D'615 Patent is valid and enforceable. The D'615 Patent was subsequently assigned to Mobility, which exclusively licensed the rights under this patent to Stile. The innovative designs of the D'615 Patent are incorporated into various models of folding bicycles designed by Tern and sold by Stile in the United States.

22. On September 6, 2011, Mobility exclusively licensed all substantial rights in and to the D'638 Patent and the D'615 Patent to Stile for an unlimited period of time pursuant to an exclusive written license agreement (the "Stile License"). Pursuant to the Stile License, Stile was granted all substantial rights in and to the D'638 Patent and the D'615 Patent within the United States, including but not limited to (1) the right to make and have made, to use and have used, to sell and have sold, to

offer for sale and to have offered for sale by others, to import and to have imported by others the licensed products; and (2) the unconditional exclusive right to enforce the patent rights in the United States, including the exclusive right to file an action for patent infringement and to recover compensatory, statutory, and/or enhanced, damages, damages permitted by the patent statute, and/or obtain equitable relief for any infringement of the patent rights. Stile's right to enforce the patent rights is not subject to or junior to any other party's right to assert and/or sue, and is not subject to any obligation to seek consent from any other party prior to bringing suit. Stile also has the right to license the patent rights to others. No other licenses have been granted to any other person or entity for the same geographic area by Mobility. Mobility did not retain any substantial rights under the Stile License. Mobility does not have a right to control or share in any monetary recovery resulting from an infringement suit filed by Stile.

23. Upon information and belief, Defendants have infringed upon the designs of the aforementioned patents, as more fully described below.

FIRST CAUSE OF ACTION

(Infringement of U.S. Design Patent, D622,638 S Against Defendants)

24. Plaintiffs re-allege and incorporate herein by reference the allegations of paragraphs 1-23 of the Complaint, as though set forth here in full.

25. Upon information and belief, Defendants have made, had made, used, offered for sale, imported, and/or sold, and continue to make, use, offer for sale, import, and/or sell products which infringe the innovative designs of the D'638 Patent. The infringing products include, but are not limited to at least the Ferrari Folding Bikes as shown at https://downtube.com/ferrari-folding-bike.

26. Defendants aforementioned activities constitute making, using, selling, importing, offering for sale, and/or promoting the use of, the patented invention of the D'638 Patent by or to customers in the United States, all in violation of Stile's

exclusive rights under that patent.

27. Stile provided actual notice to Defendants of their infringement of the D'638 Patent and Defendants have willfully disregarded Stile's D'638 Patent knowing that they infringe the D'638 Patent. Despite such notice and actual knowledge of the D'638 Patent, Stile is informed and believes in good faith that Defendants have egregiously continued, and will continue, to willfully infringe the D'638 Patent.

28. As a direct and proximate result of Defendants' acts of infringement, Stile has been damaged in an amount not yet determined, including but not limited to lost profits, price erosion, lost convoyed sales, and, in no event, less than a reasonable royalty and/or damages as defined by 35 U.S.C. § 289.

29. Stile has been irreparably harmed by Defendants' infringing activities, and Stile will continue to be irreparably harmed by such activities in the future unless those infringing activities are enjoined by this Court because, *inter alia*, Stile and Defendants directly compete for sales of folding bicycles.

30. Upon information and belief, Defendants' infringement of the D'638 Patent has been and continues to be willful and deliberate and Stile is entitled to treble damages and attorneys' fees pursuant to 35 U.S.C. § 284.

WHEREFORE, Stile prays for judgment as set forth more fully below.

SECOND CAUSE OF ACTION

(Infringement of U.S. Design Patent D632,615 S against Defendants)

31. Plaintiffs re-allege and incorporate herein by reference the allegations of paragraphs 1-30 of the Complaint, as though set forth here in full.

32. Plaintiff is informed and believes and thereon alleges that Defendants have made, had made, used, offered for sale, imported, and/or sold, and continue to make, have made, use, offer for sale, import, and/or sell, products which infringe the claims of the D'615 Patent. The infringing products include, but are not limited to at least the Ferrari Folding Bikes as shown at https://downtube.com/ferrari-folding-bike.

33. Defendants' aforementioned activities constitute making, using, selling, importing, offering for sale, and/or promoting use of the patented invention of the D'615 Patent by or to customers in the United States, all in violation of Stile's exclusive rights under that patent.

34. Stile provided actual notice to Defendants of their infringement of the D'615 Patent and Defendants have willfully disregarded Stile's D'615 Patent knowing that they infringe the D'615 Patent. Despite such notice and actual knowledge of the D'615 Patent, Stile is informed and believes in good faith that Defendants have egregiously continued, and will continue, to willfully infringe the D'615 Patent.

35. As a direct and proximate result of Defendants' acts of infringement, Stile has been damaged in an amount not yet determined, including but not limited to lost profits, price erosion, lost convoyed sales, and, in no event less, than a reasonable royalty and/or damages as defined by 35 U.S.C. § 289.

36. Stile has been irreparably harmed by Defendants' infringing activities, and Stile will continue to be irreparably harmed by such activities in the future, unless those infringing activities are enjoined by this Court because, *inter alia*, Stile and Defendants directly compete for sales of folding bicycles.

37. Upon information and belief, Defendants' infringement of the D'615 Patent has been and continues to be willful and deliberate and Stile is entitled to treble damages and attorneys' fees.

WHEREFORE, Stile prays for judgment as set forth more fully below.

DEMAND FOR JURY TRIAL

Plaintiffs demand trial by jury on all issues triable by jury.

PRAYER

For the first and second causes of action:

A. That Defendants be declared to have infringed the D'615 and D'638 Patents;

B. That Defendants, their officers, agents, servants, employees, and attorneys, and all those in active concert or participation with them or any of them who receive actual notice of an order, be preliminarily and permanently enjoined from further infringement of the D'615 and D'638 Patents;

C. That Defendants be ordered to account for and pay to Stile all damages caused to Stile by reason of Defendants' infringement of the D'615, and D'638 Patents pursuant to 35 U.S.C. §§ 284 and 289 including but not limited to Dr. Lyansky being ordered to account and pay all damages caused to Stile by reason of the Lyansky Entities and DOES 1-10 infringement of the D'615, and D'638 Patents pursuant to 35 U.S.C. §§ 284 and 289 because Dr. Lyansky is either d/b/a as the Lyansky Entities and DOES 1-10 and/or the alter ego of the Lyansky Entities and DOES 1-10;

D. That appropriate damages be trebled by reason of the deliberate and willful infringement of the D'615 and D'638 Patents pursuant to 35 U.S.C. § 284;

E. That Stile be granted prejudgment and post judgment interest on the damages caused to it by reason of Defendants' infringement of the D'615 and D'638 Patents;

F. That this case be declared an exceptional case pursuant to 35 U.S.C. § 285 in view of the deliberate and willful nature of the infringement by Defendants and that Stile be awarded its reasonable attorneys' fees;

G. That Defendants to be ordered to pay Plaintiffs the costs of suit; and

H. That Plaintiffs be awarded such other and further relief as the Court deems just and proper.

Dated: March 16, 2017

CONDO ROCCIA KOPTIW LLP
KELLER, SLOAN & ROMAN LLP

By: ______________________________

Michael J. Bonella (#79175)
Michael T. Ghobrial (#208742)
CONDO ROCCIA KOPTIW LLP
1800 J.F.K. Boulevard, Suite 1700
Philadelphia, PA. 19103
(o) 215-599-2794
(m) 484-883-1206
(F) 215-558-5676
mbonella@condoroccia.com
mghobrial@condoroccia.com

Kenneth E. Keller (*pro hac vice* to be filed)
Christopher Stretch (*pro hac vice* to be filed)
KELLER, SLOAN & ROMAN LLP
555 Montgomery Street, 17th Floor
San Francisco, CA 94111
Telephone: (415) 249-8330
Facsimile: (415) 249-8333
kkeller@ksrh.com
cstretch@ksrh.com

Attorneys for Plaintiffs

EXHIBIT A

US00D622638S

(12) **United States Design Patent**
Uimonen

(10) **Patent No.: US D622,638 S**
(45) **Date of Patent: ** Aug. 31, 2010**

(54) **FOLDING BICYCLE FRAME**

(75) Inventor: **Joakim Uimonen**, Taipei County (TW)

(73) Assignee: **Dahon and Hon Industrial Labs., Ltd.**, Sanchong, Taipei County (TW)

(**) Term: **14 Years**

(21) Appl. No.: **29/311,981**

(22) Filed: **Aug. 12, 2009**

(51) **LOC (9) Cl.** **12-11**
(52) **U.S. Cl.** **D12/111**
(58) **Field of Classification Search** D12/111, D12/117; 280/274, 281.1, 275–280, 288.1–288.4, 280/259, 260, 265, 267, 283–288
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

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D273,484 S * 4/1984 Herbert D12/111
4,460,192 A * 7/1984 Takamiya et al. 280/287
6,032,971 A * 3/2000 Herder 280/278
D487,234 S * 3/2004 Chen et al. D12/111
7,393,125 B1 * 7/2008 Lai 280/281.1
7,591,473 B2 * 9/2009 Tak-Wei Hon et al. 280/278

* cited by examiner

Primary Examiner—Philip S Hyder
Assistant Examiner—Linda G. Brooks
(74) *Attorney, Agent, or Firm*—Bacon & Thomas, PLLC

(57) **CLAIM**

The ornamental design for a folding bicycle frame, as shown and described.

DESCRIPTION

FIG. **1** is a perspective view of a folding bicycle frame in accordance with my design;

FIG. **2** is a front view thereof;

FIG. **3** is a rear view thereof;

FIG. **4** is a left view thereof;

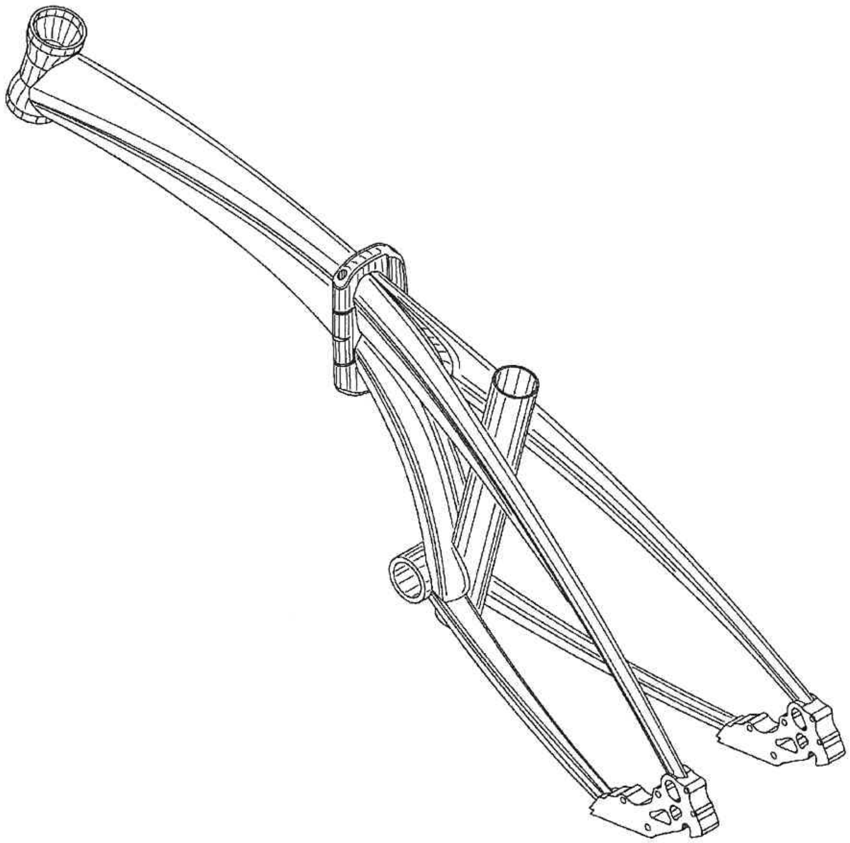
FIG. **5** is a right view thereof;

FIG. **6** is a top view thereof;

FIG. **7** is a bottom view thereof; and,

FIG. **8** is a front, bottom and left side perspective view thereof.

1 Claim, 6 Drawing Sheets



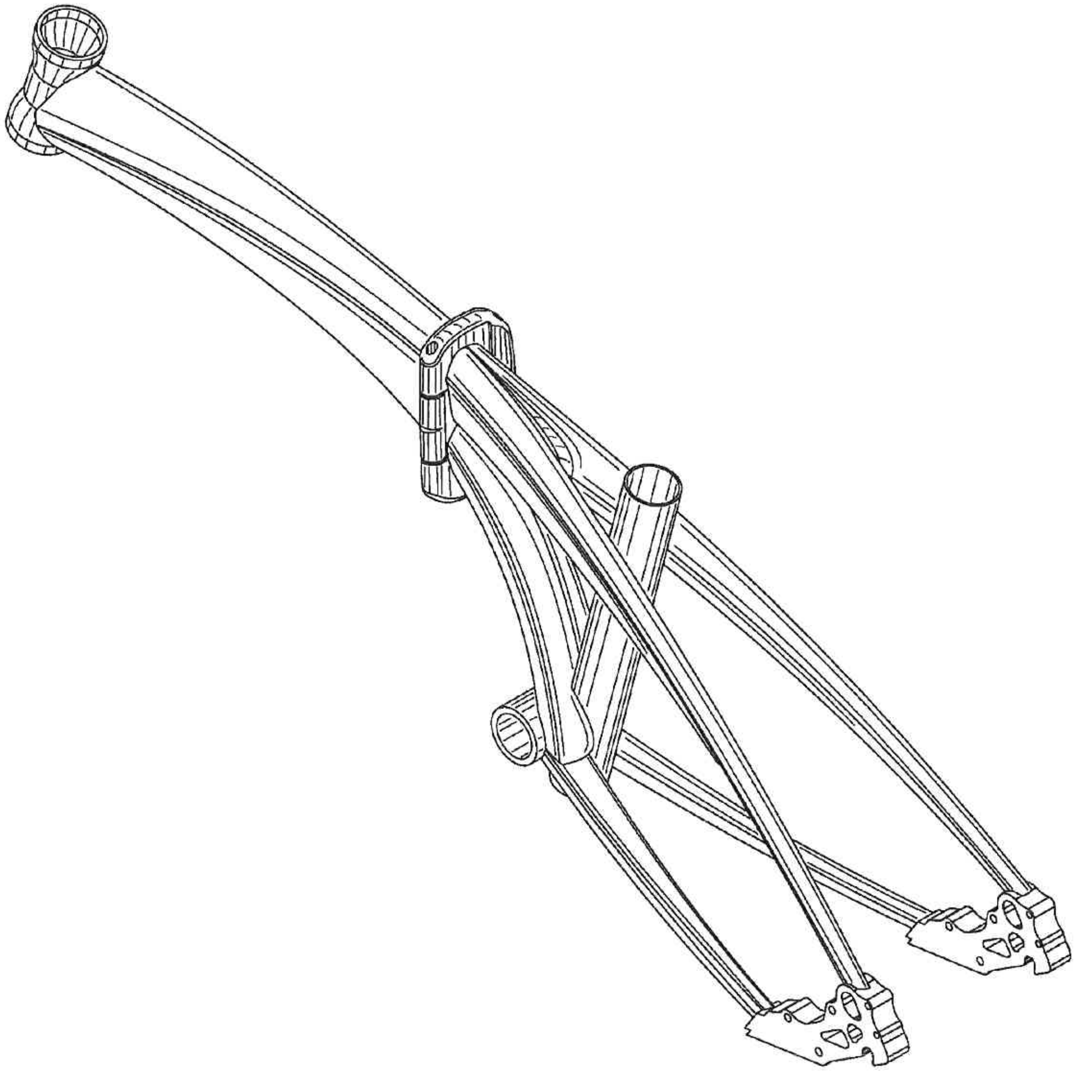


FIG. 1

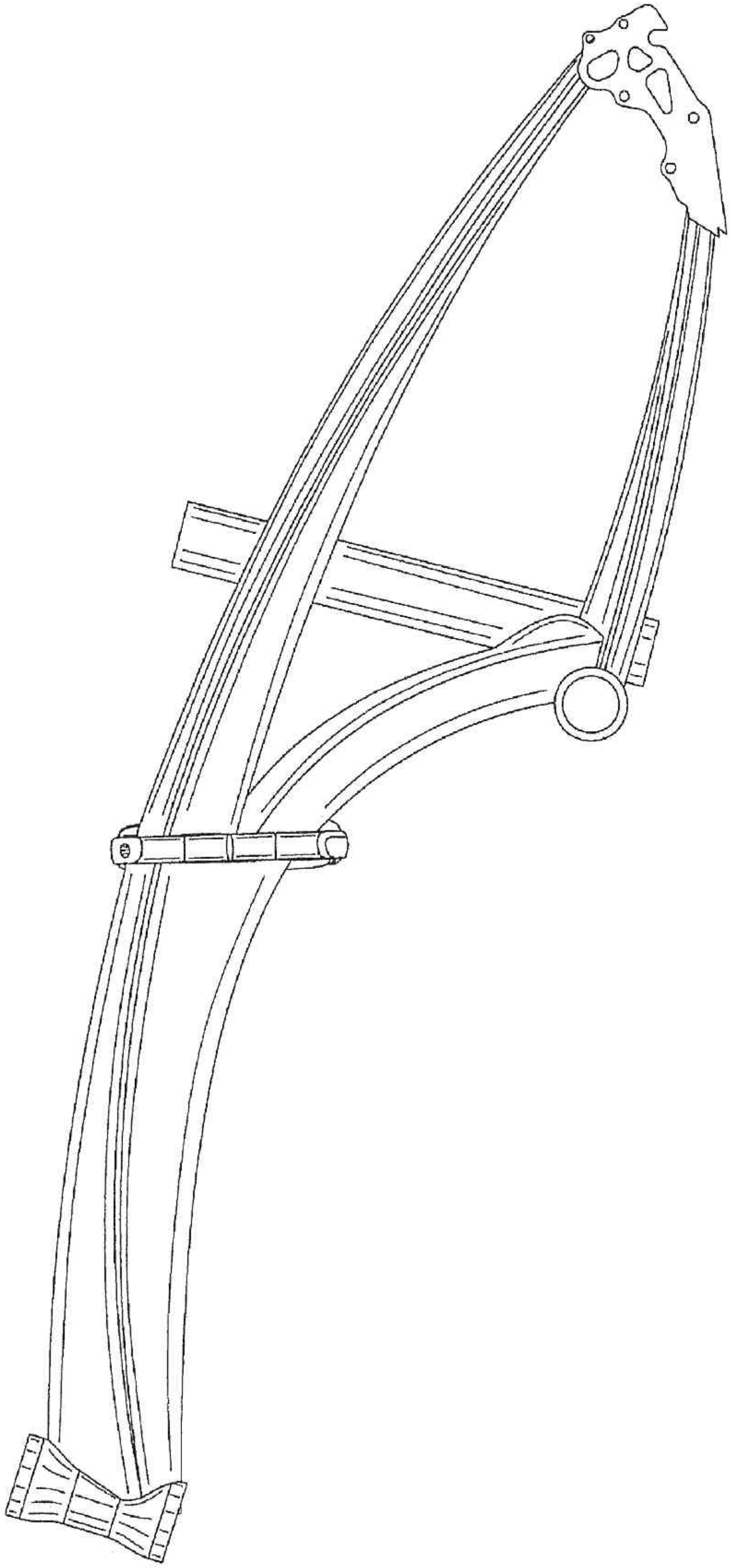


FIG. 2

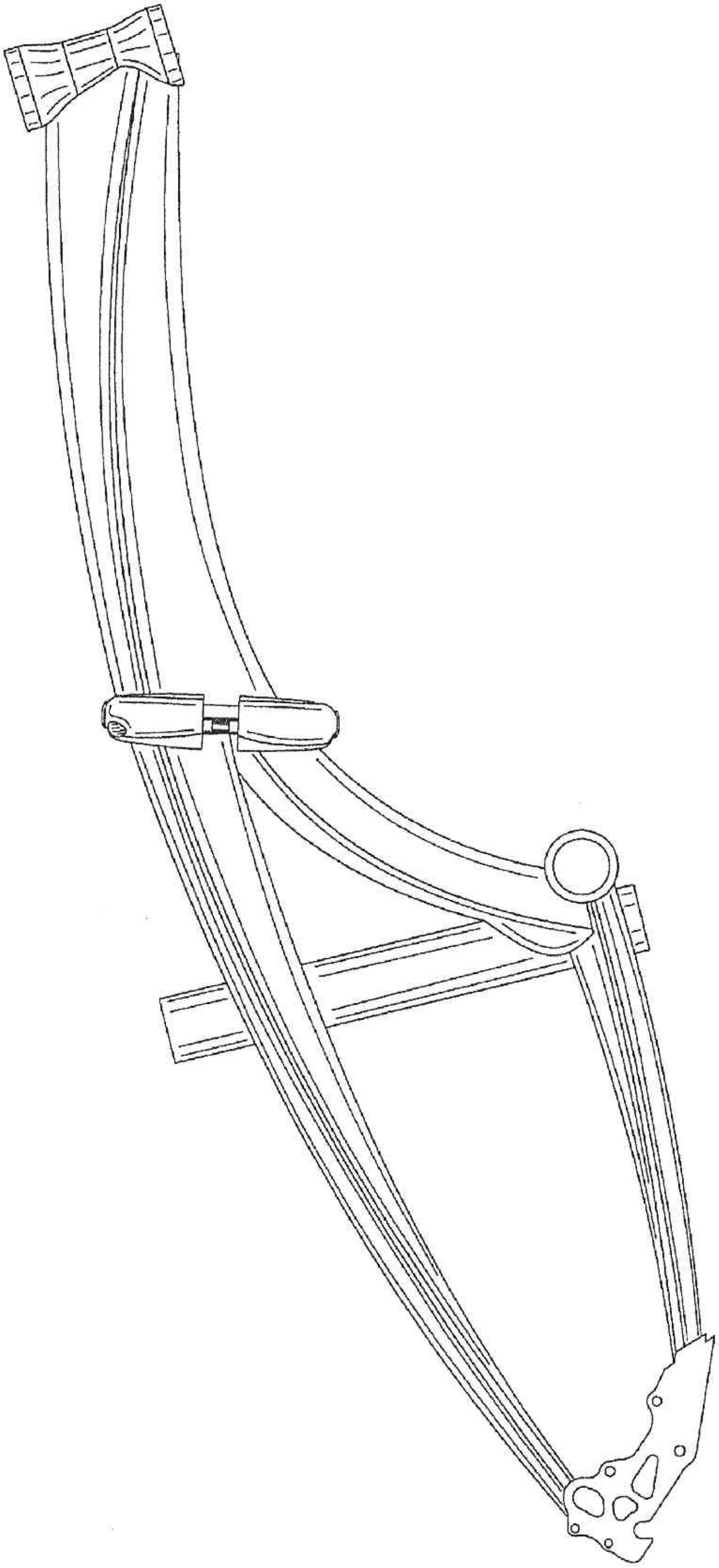


FIG. 3

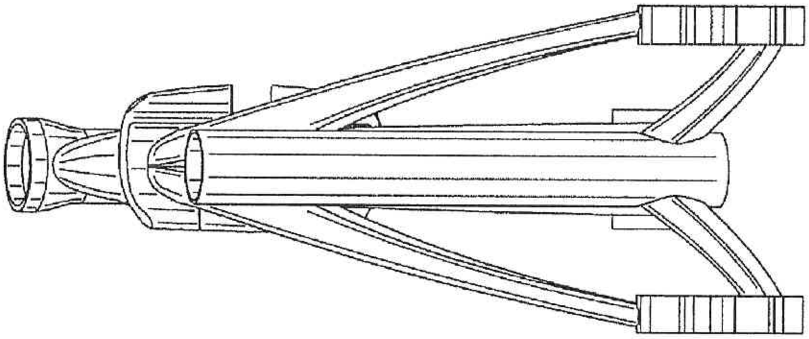


FIG. 5

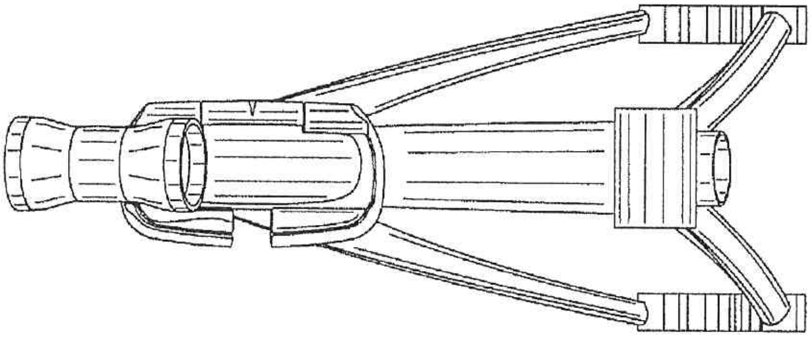
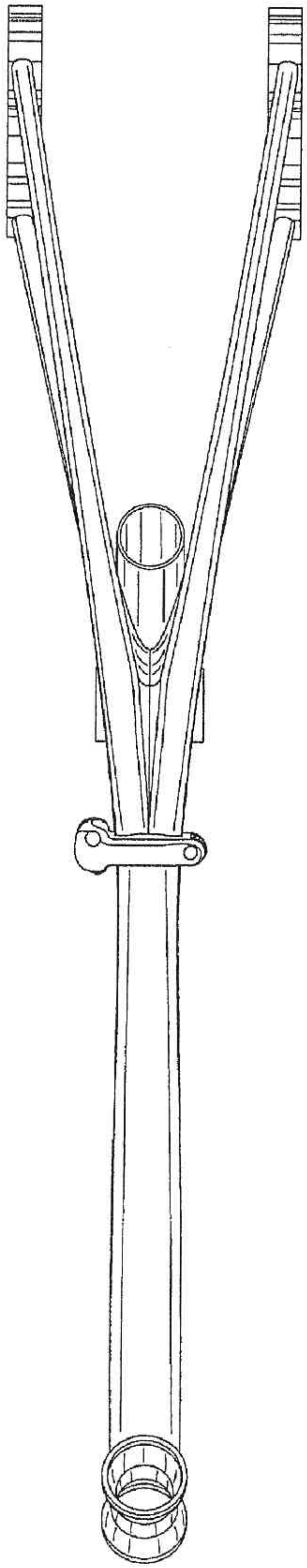


FIG. 4



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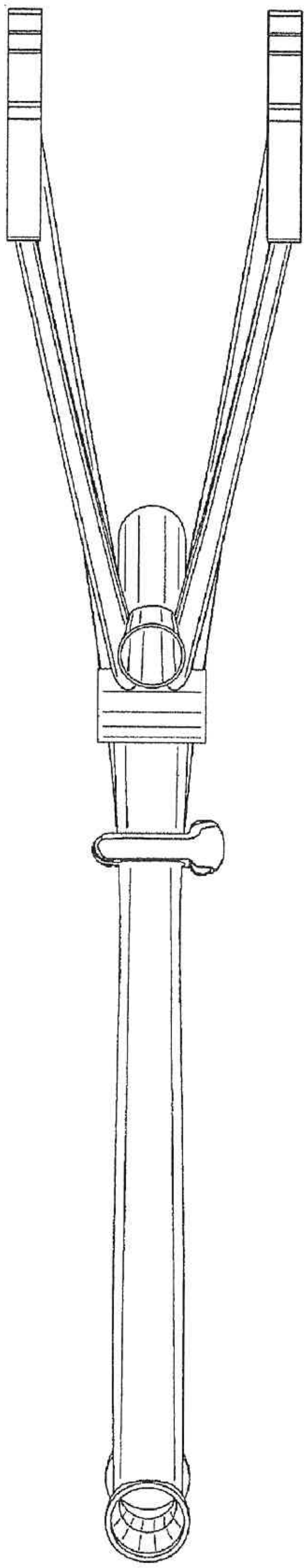

FIG. 7

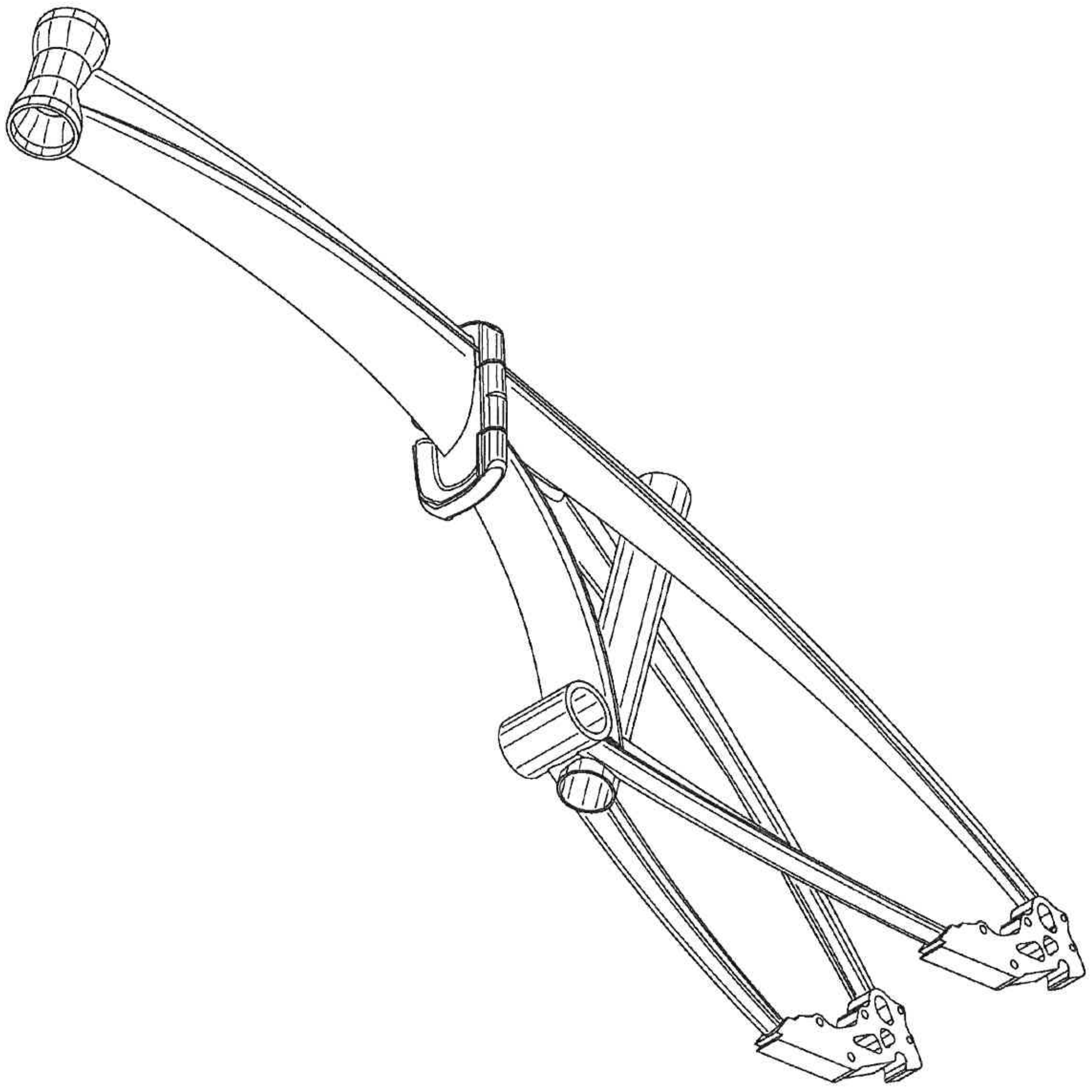

FIG. 8

EXHIBIT B

US00D632615S

(12) **United States Design Patent**
Uimonen

(10) **Patent No.: US D632,615 S**
(45) **Date of Patent: ** Feb. 15, 2011**

(54) **FOLDING BICYCLE FRAME**

(75) Inventor: **Joakim Uimonen**, Sanchong (TW)

(73) Assignee: **Dahon and Hon Industrial Labs., Ltd.**, Sanchong (TW)

(**) Term: **14 Years**

(21) Appl. No.: **29/366,638**

(22) Filed: **Jul. 28, 2010**

Related U.S. Application Data

(62) Division of application No. 29/311,981, filed on Aug. 12, 2009, now Pat. No. Des. 622,638.

(51) **LOC (9) Cl.** **12-11**
(52) **U.S. Cl.** **D12/111**
(58) **Field of Classification Search** D12/111, D12/117; 280/274, 281.1, 275–280, 288.1–288.4, 280/259, 260, 265, 267, 283–288
See application file for complete search history.

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4,460,192	A	7/1984	Takamiya et al.
6,032,971	A	3/2000	Herder
D487,234	S	3/2004	Chen et al.
7,393,125	B1	7/2008	Lai
7,591,473	B2	9/2009	Tak-Wei Hon et al.

Primary Examiner—Philip S Hyder
Assistant Examiner—Linda G. Brooks
(74) *Attorney, Agent, or Firm*—Bacon & Thomas, PLLC

(57) **CLAIM**

The ornamental design for a folding bicycle frame, as shown and described.

DESCRIPTION

FIG. **1** is a perspective view of a folding bicycle frame in accordance with my design;

FIG. **2** is a front view of FIG. **1**;

FIG. **3** is a rear view of FIG. **1**;

FIG. **4** is a left view of FIG. **1**;

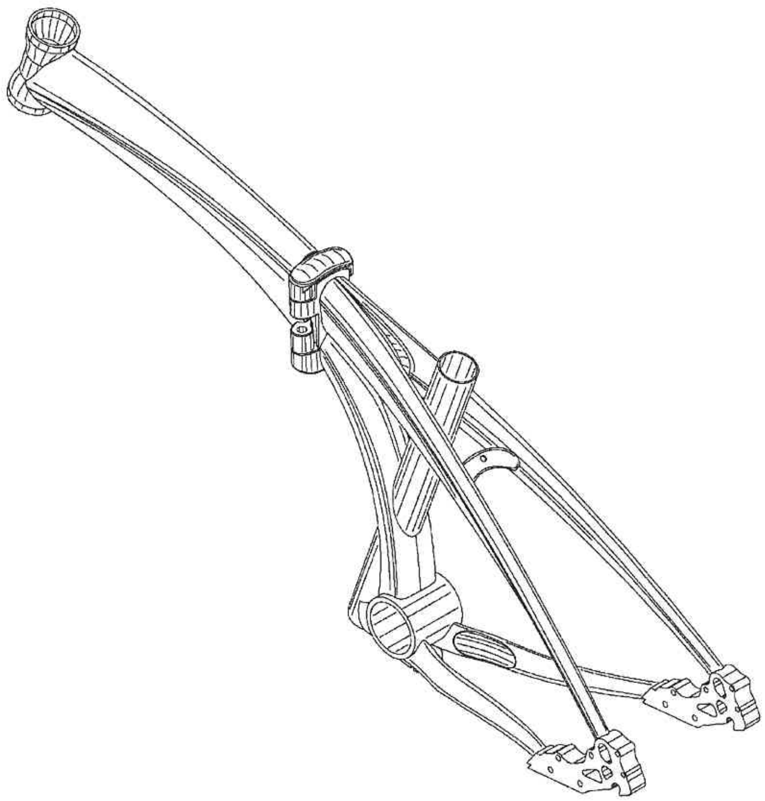
FIG. **5** is a right view of FIG. **1**;

FIG. **6** is a top view of FIG. **1**;

FIG. **7** is a bottom view of FIG. **1**; and,

FIG. **8** is a front, bottom and right side perspective view of FIG. **1**.

1 Claim, 8 Drawing Sheets



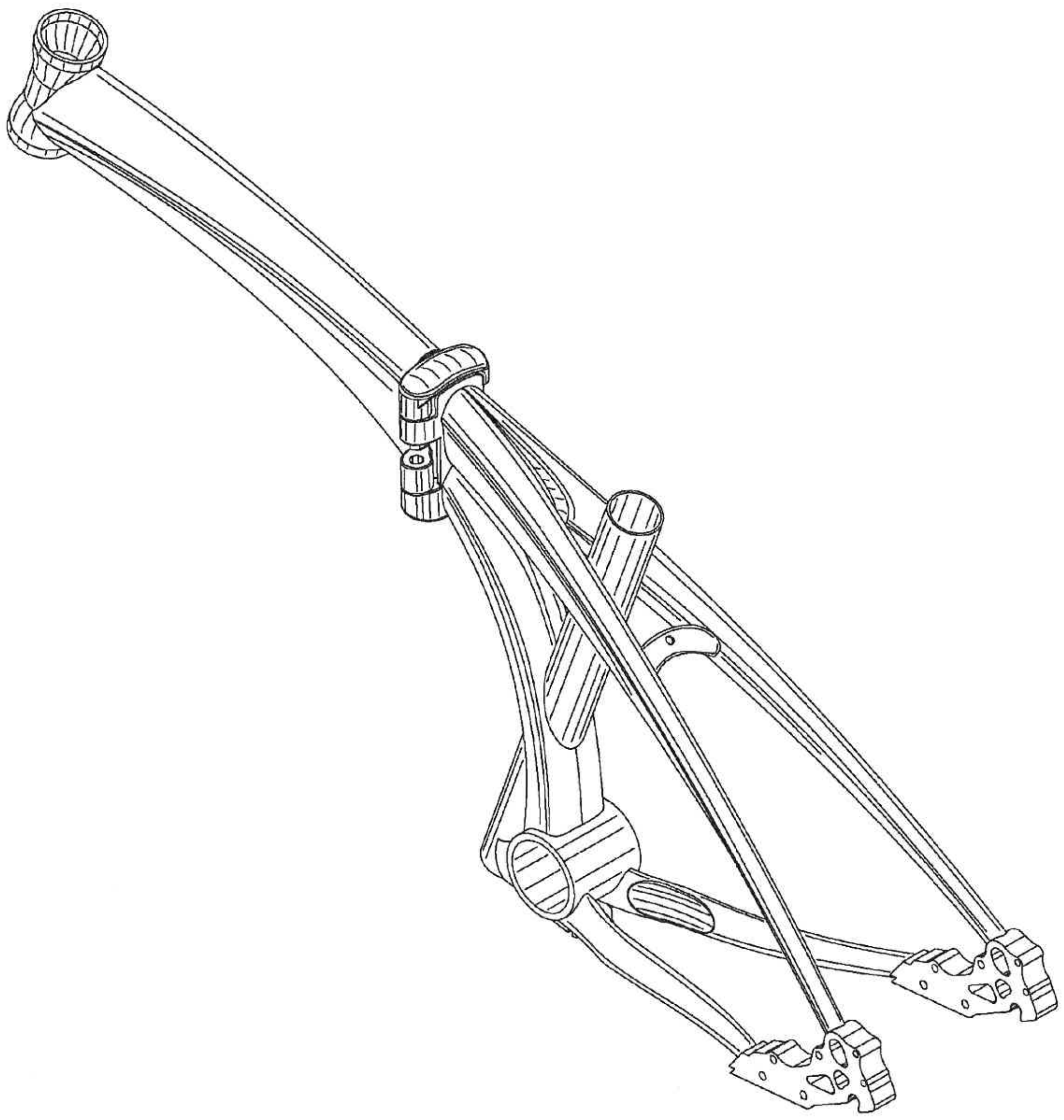


FIG. 1

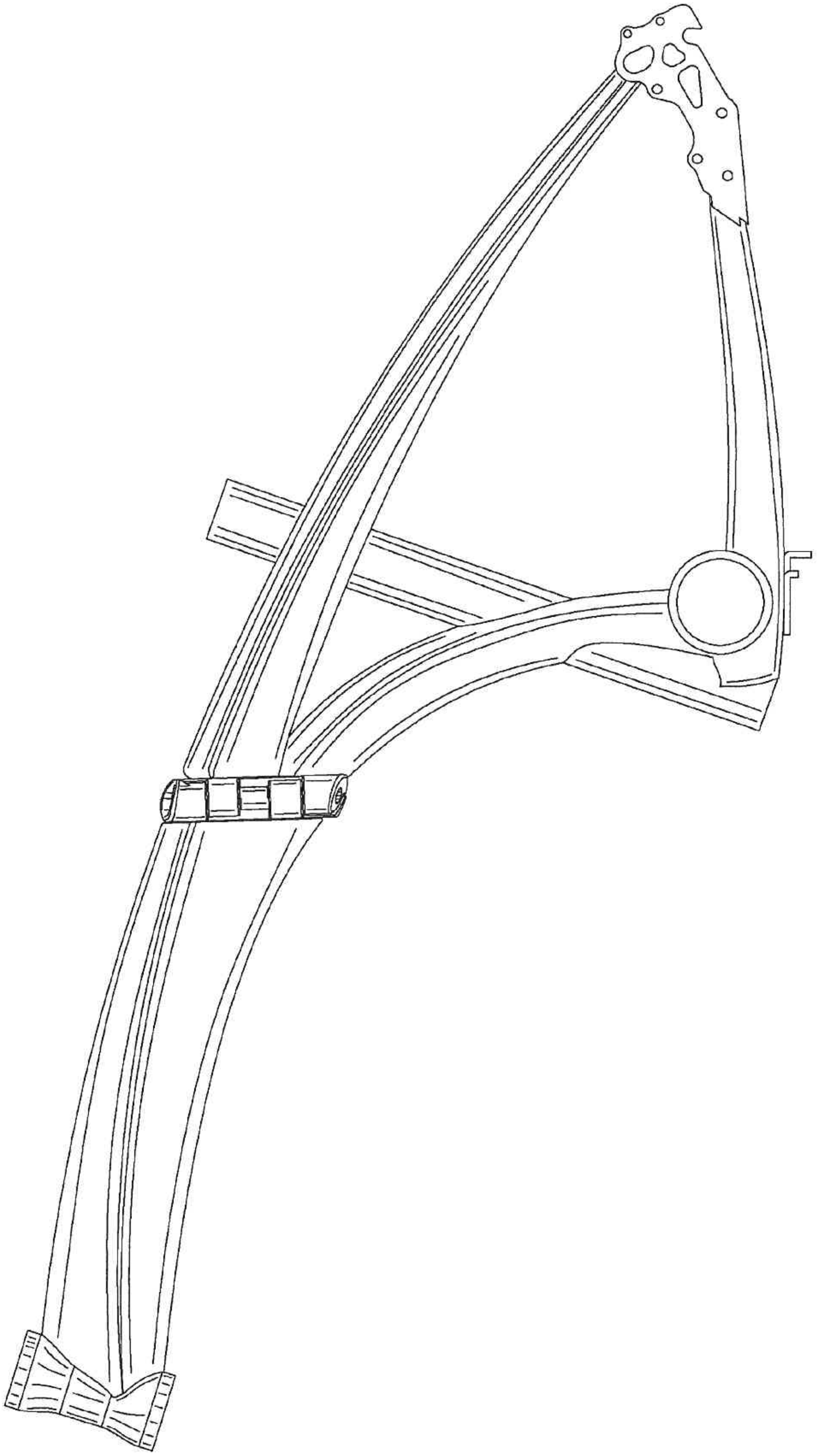


FIG. 2

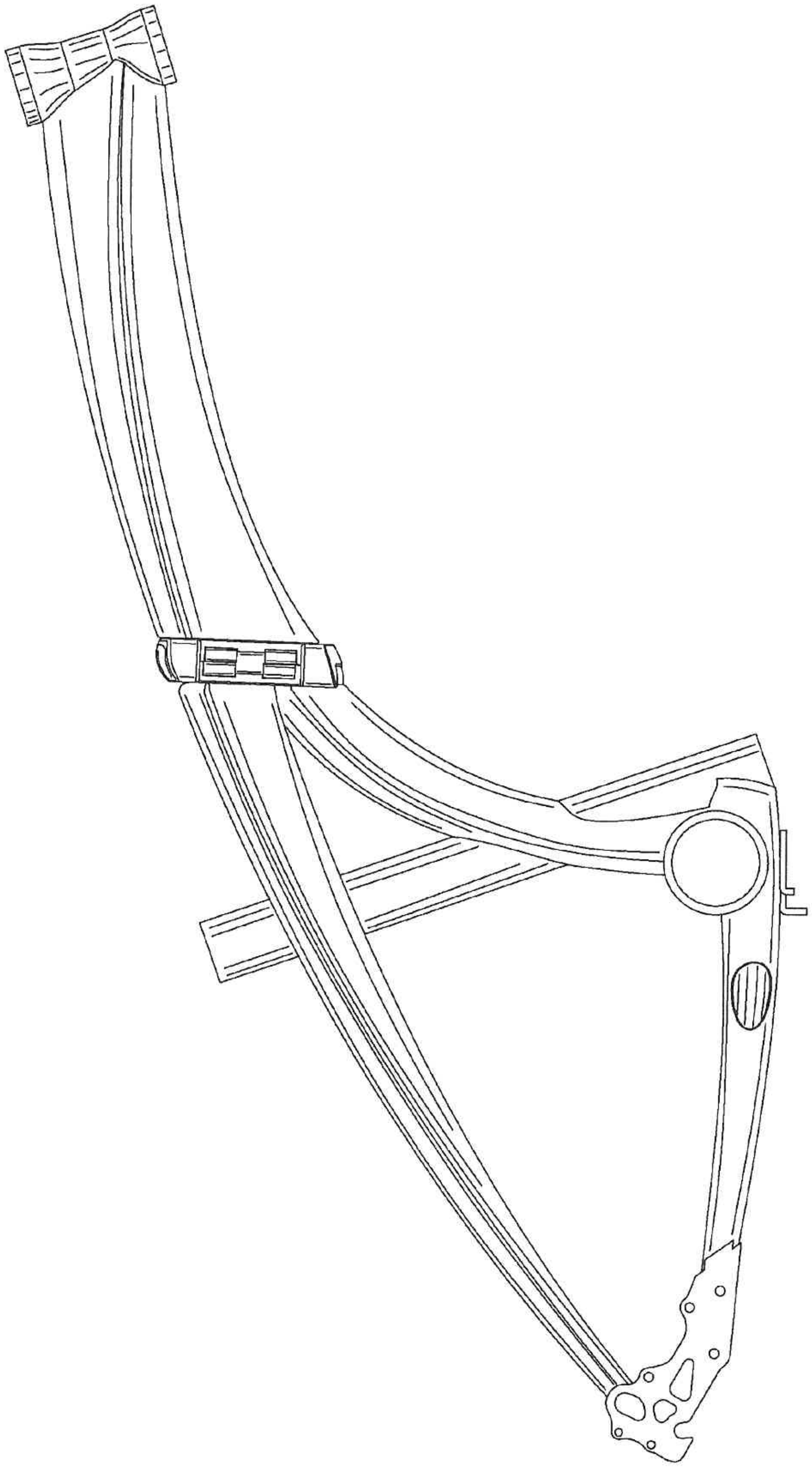


FIG. 3

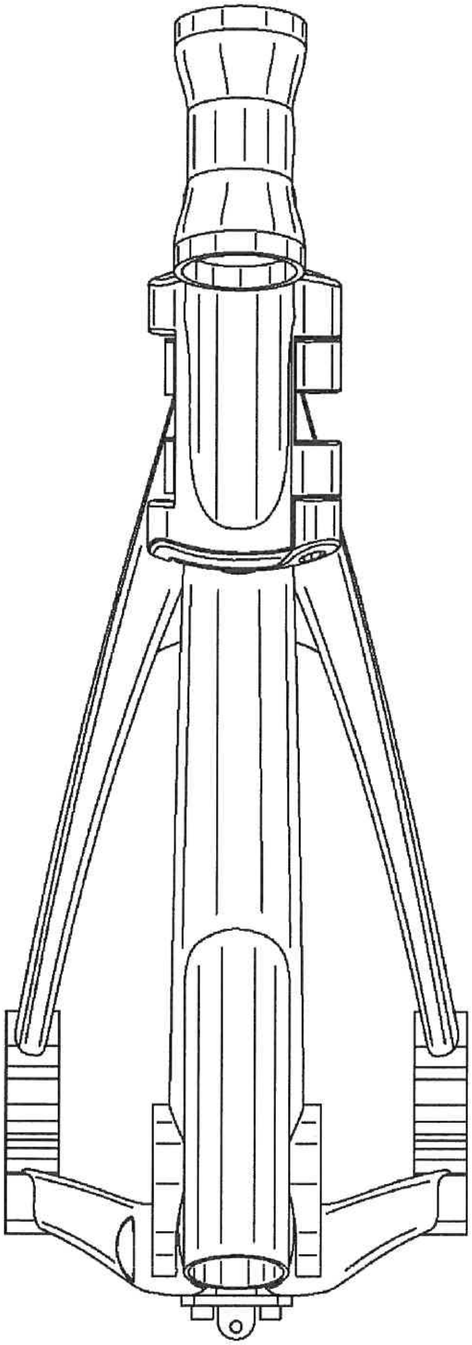


FIG. 4

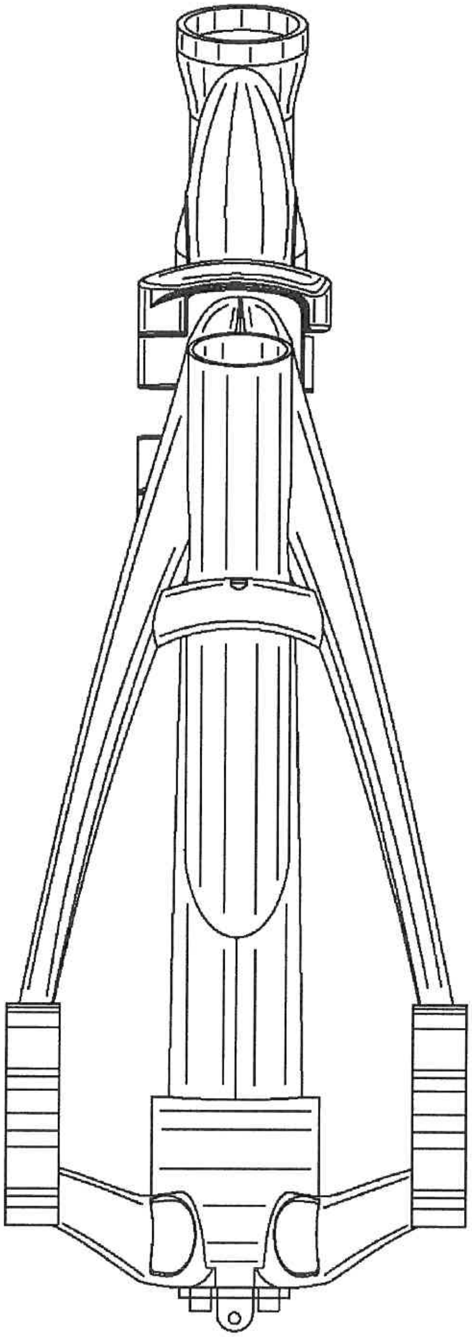


FIG. 5

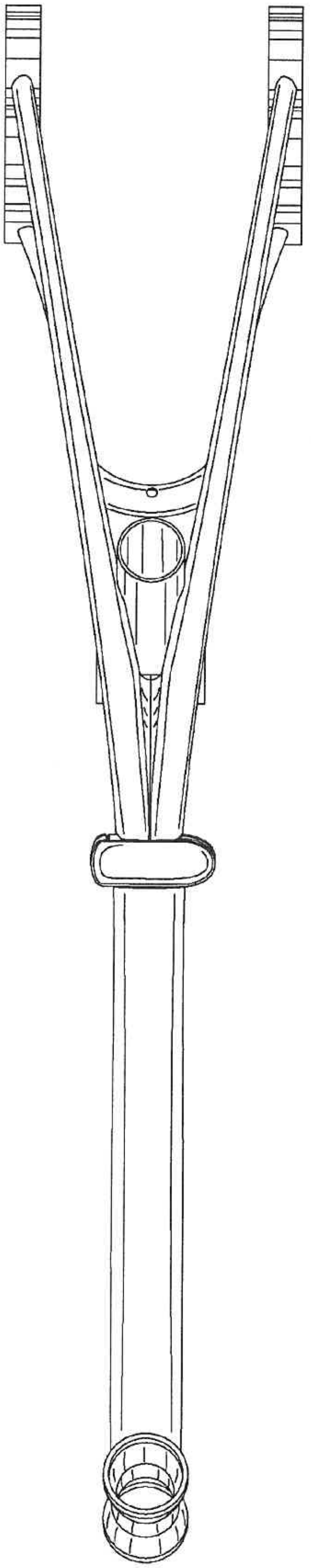


FIG. 6

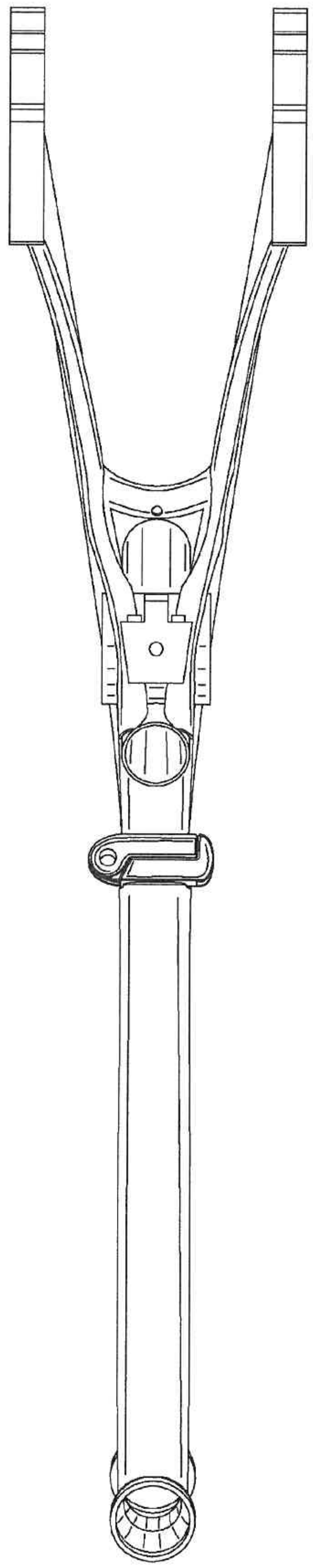


FIG. 7

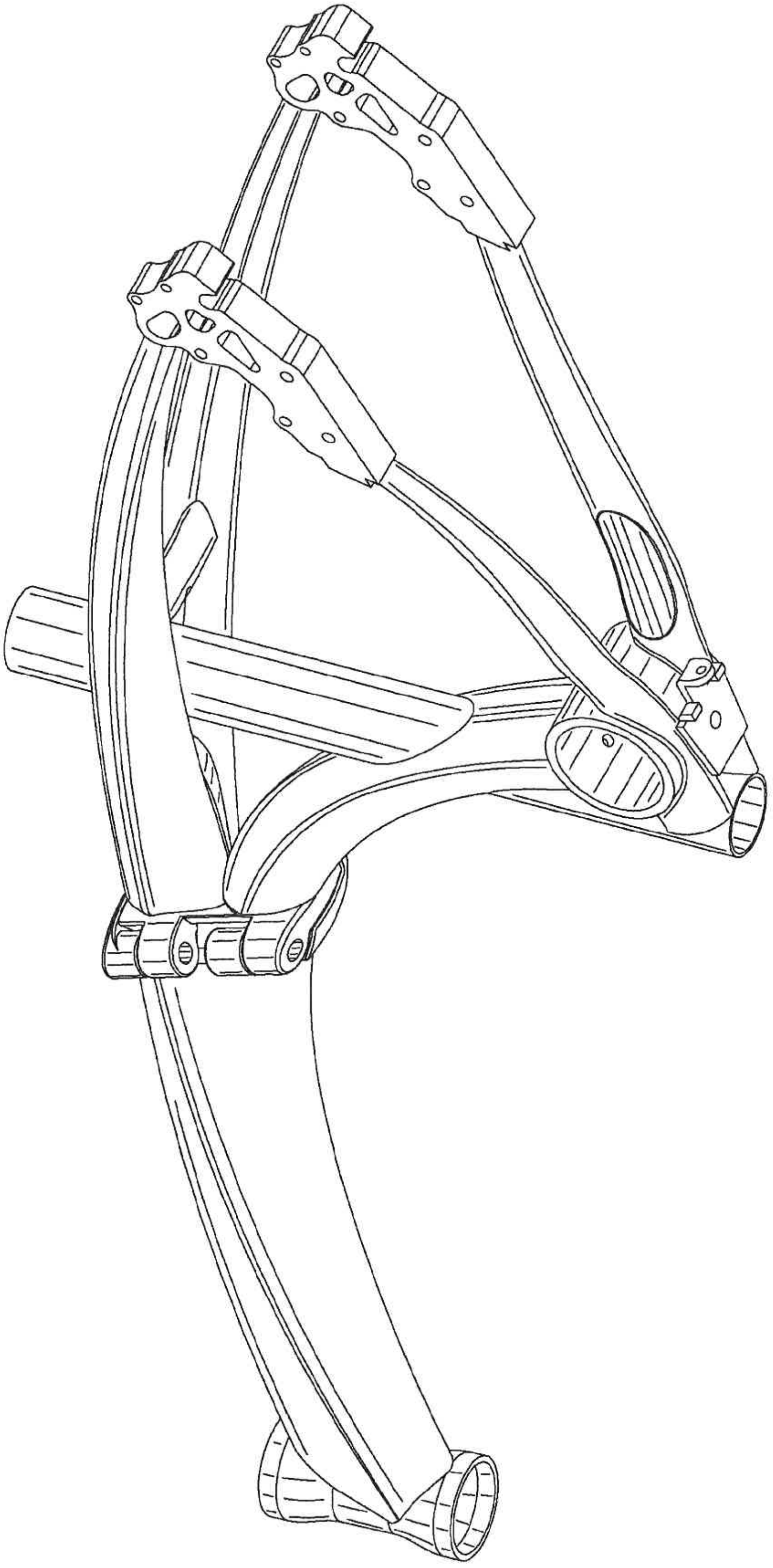


FIG. 8